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## US Army Corps of Engineers.

Vicksburg District 4155 Clay Street Vicksburg, MS 39183-3435 www.mvk.usace.army.mil



APPLICATION NO.: KNG-MVK-2006-51

EVALUATOR: Kaaren Geter

PHONE NO.: (601) 631-5162

FAX NO.: (601) 631-5459

E-MAIL: regulatory@mvk02.usace.army.mil

DATE: February 2, 2006

EXPIRATION DATE: February 23, 2006

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District, and the Mississippi Department of Environmental Quality, Office of Environmental Services are considering an application for a Department of the Army permit and State water quality certification for the work described herein. Comments should be forwarded to the Vicksburg District, ATTN: CEMVK-OD-F, at the above address and the Mississippi Department of Environmental Quality, Office of Environmental Services, Post Office Box 10385, Jackson, Mississippi 39289-0385, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:
James Lowe, Chairman
Parkway East Public
Improvement District
Post Office Box 1039
Canton, Mississippi 39046

Name of Agent:
Clay Cromwell
Wildlife Technical
Services, Incorporated
Post Office Box 820188
Vicksburg, Mississippi
39182-0188

Location of Work: Sections 28, 29, 31, 32, and 33, T8N-R2E, UTM, 15 771824E 3599233N, within the Lower Big Black drainage basin, Madison County, north of Madison, Mississippi.

Description of Work: (See enclosed map and drawings.)

The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant is applying for a Department of the Army permit to place fill material in wetlands and other waters of the United States associated with construction of a Bear Creek Flood Relief Channel and to supply fill material for the Parkway East Road right-of-way. The project would involve excavation of a flood relief channel, filling of roadway right-of-way, haul roads, and realignment of a portion of existing Bear Creek. The Parkway East Roadway was permitted under Department of the Army permit number MVK-2003-1061 in August 2003.

The project site consists of an approximately 127 acres (2.5 miles). The proposed project would impact wetlands and other waters of the United States. Other waters located along the proposed project route would involve one perennial stream (Bear Creek), two intermittent streams, and one ephemeral stream. The proposed project would involve approximately 26.854 acres of permanent wetland impacts and 0.261 acre of temporary wetland impacts. Additionally, it would involve 1.06 acres (2561 linear feet) of permanent impacts to other waters and 0.073 acre (25 linear feet) of temporary impacts to other waters. See attached chart for further detail of proposed project impacts.

The overall purpose of the proposed flood relief project is to provide overflow capacity from Bear Creek during peak storm events lessening the impacts of flooding in the adjoining areas. The design of the channel would also provide additional flood storage capacity within the drainage basin that would lessen the overall impacts from flood events downstream of the project area. It is the applicant's intent to construct the channel to function similar to a natural slough habitat through the project area.

The proposed channel would be excavated beginning at the intersection of the new Parkway East Roadway and Bear Creek, east of U.S. Interstate 55. The channel would then continue in a northeastern direction crossing Bear Creek at seven locations. The channel would be placed along the western side of Bear Creek for the first one-third of the project and along the eastern side for the remaining two-thirds of the project. The project would dispense at the Weisenberger Road bridge crossing on Bear Creek.

Overall the channel would be excavated approximately 300 feet in width and 5 feet in depth. Bear Creek is generally 6 to 10 feet deep thorough out the project area. Normal flows in Bear Creek would continue in its natural and historic channel. However, during high water events, flows would be directed into the proposed flood relief channel. A section of the channel located around the middle of the project would be widened beyond 300 feet in width to accommodate flood storage needs in the area.

Material excavated from the proposed channel would be used as fill material for the Parkway East Roadway right-of-way and in rerouting a portion of Bear Creek. Three haul roads would be built to facilitate getting the excavated material from the channel site to the road right-of-way. Excess excavated material would be deposited into two upland disposal sites.

A portion of existing Bear Creek flows through the right-of-way for the new Parkway East Roadway. The applicant proposes to realign approximately 1567 linear feet (0.972 acre) of Bear Creek at this site and create a canal that would be 587 feet in length and 60 feet in width.

The placement of dredged and/or fill material in waters of the United States associated with the mechanized land clearing and levee construction requires a Department of the Army Permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agency must certify that the described work will comply with the State's water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: An initial review indicates that the proposed project would not affect any of the sites in Madison County listed in the National Register of Historic Places. Copies of this notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, the Corps archaeologists, and other interested parties for comment on potential effects to cultural resources that could result from this activity.

Endangered Species: Our initial finding is that the proposed work would not affect any endangered species or their critical habitat. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain

development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.

Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

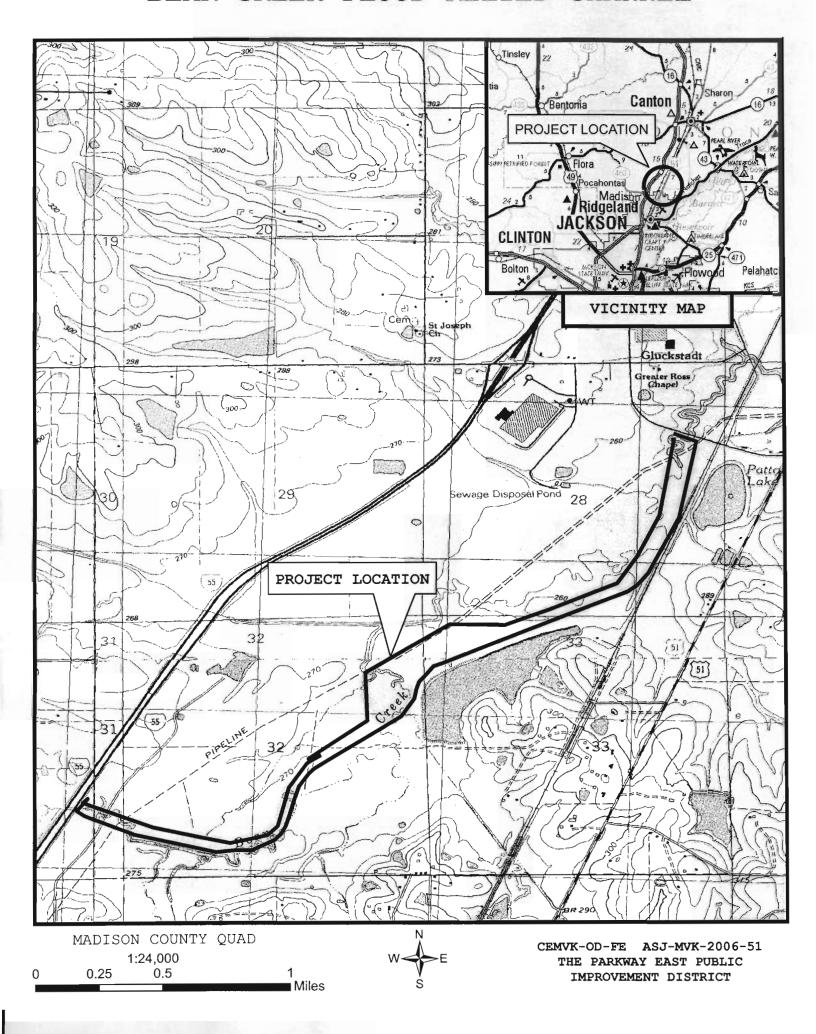
Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

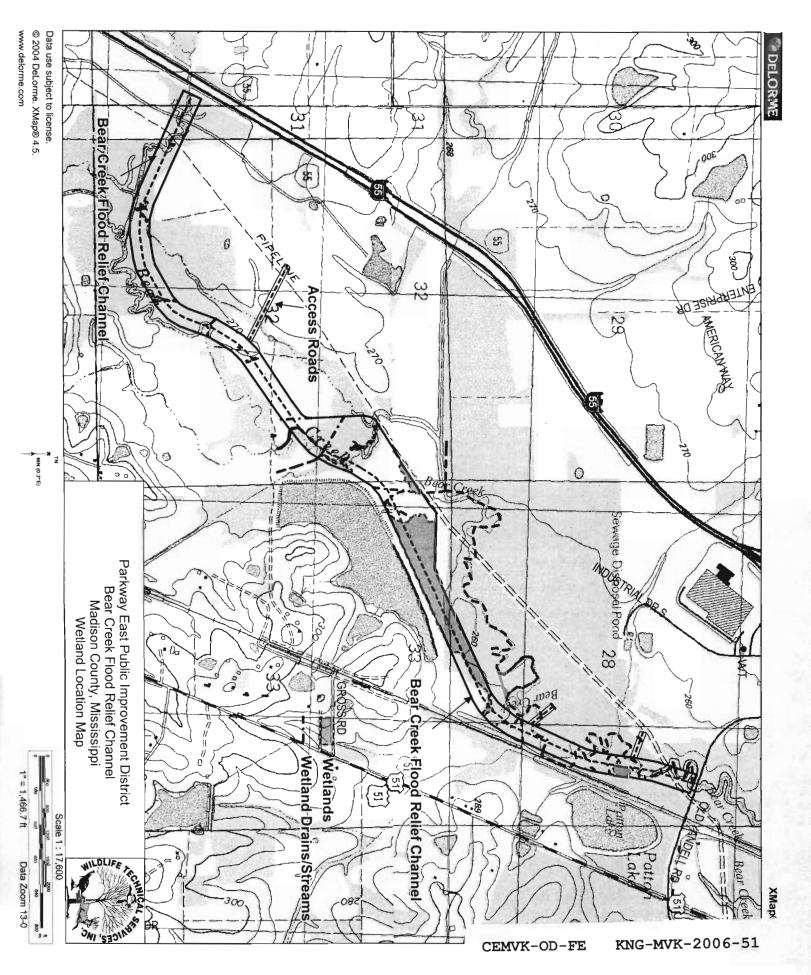
Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web

page, <a href="http://www.mvk.usace.army.mil/offices/od/odf/main.asp">http://www.mvk.usace.army.mil/offices/od/odf/main.asp</a>, or go directly to the Final Permit Actions web page at <a href="http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp">http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp</a>.

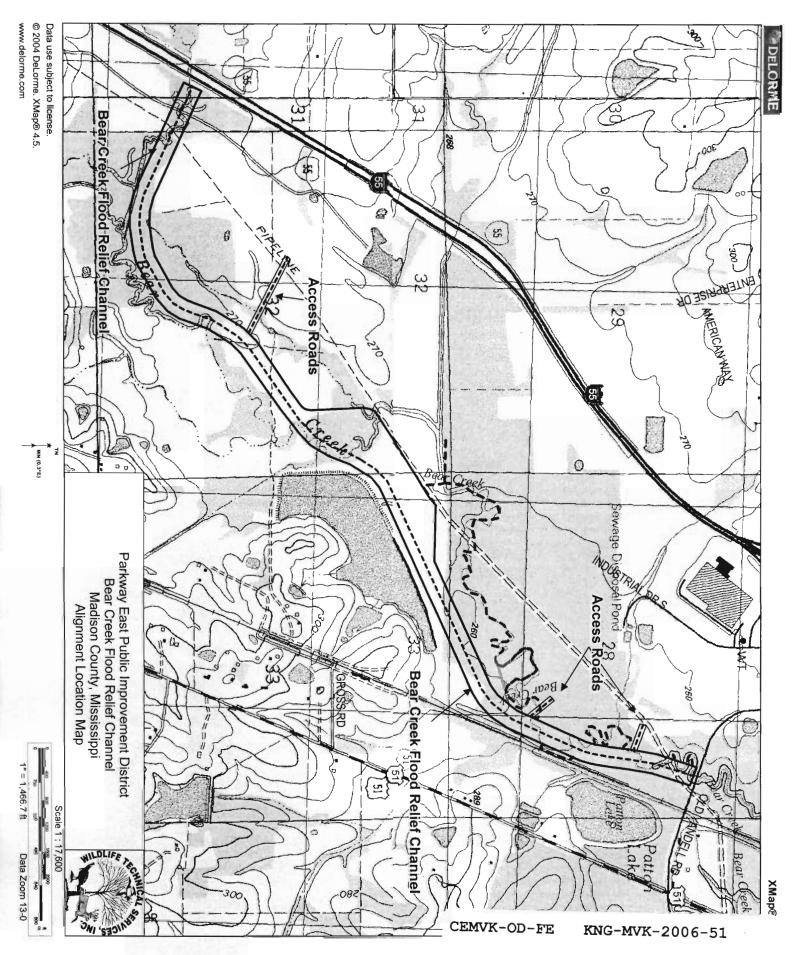
W. Harold Lee Team Leader Evaluation Section

## BEAR CREEK FLOOD RELIEF CHANNEL





PARKWAY EAST PUBLIC IMPROVEMENT DISTRICT



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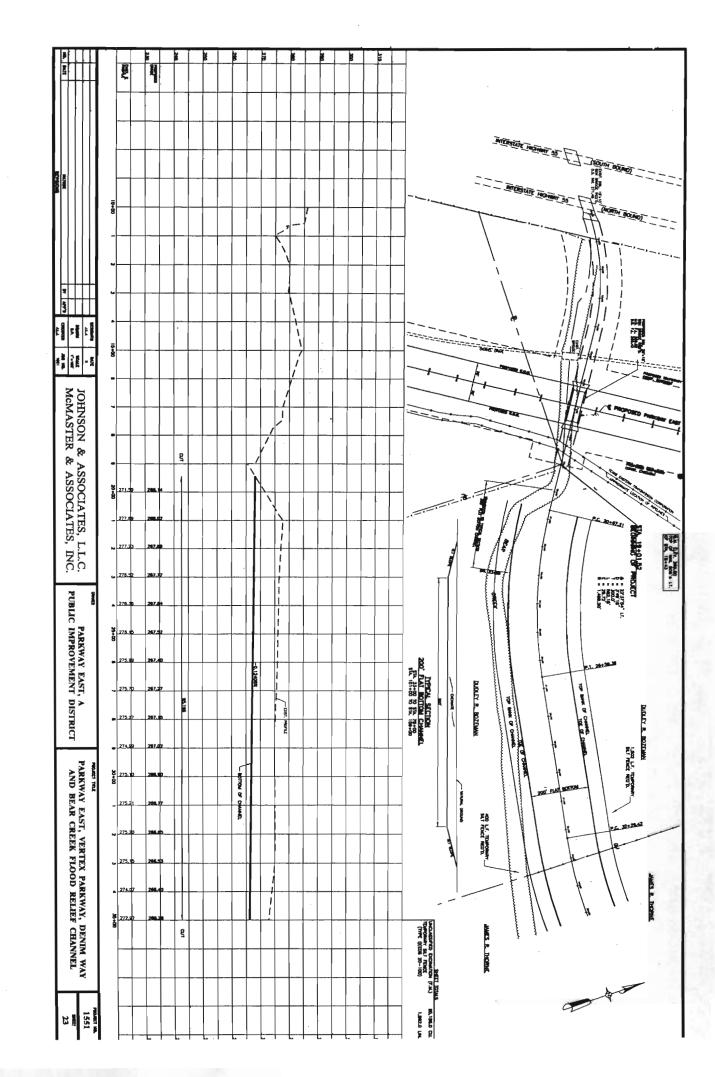
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